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File No. Tenancy II /50 (R)

Legal Department.

B BRANCH

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Subject:—

Rules under the Bombay Tenancy and Agricultural Lands Act, 1948.

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File No. Tenancy II /50 (R)

Gen. 194

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Legal Department.

As stated already in L.D. opinion No. 5147, dated 11th May 1949, in order to empower the Collector to transfer cases from one Mamlatdar to another Mamlatdar, an amendment of the Act will be necessary.

J.R.Dhurandhar.
9/3.

Additional Secretary to Government.

U.R. to R.D., No. 3299, dated the 10th March 1950.

SMT/21.6.

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Legal Department.

No rule can be made as proposed. If the payment made is not rent there is no relationship oflandlord and tenant and no rule can be made under section 82(2) (f) of the Bombay Tenancy and Agricultural Lands Act, 1948, for prescribing the manner in which a written receipt for the amount paid shall be given. If, however, what is paid is rent and not assessments it cannot be provided that the rent should be called assessment in the receipt.

J.R.Dhurandhar.
20/5.

Additional Secretary to Government.

U.R. to R.D. No. 6919, dated the 22nd May 1950.

SHT/21.6.

Legal Department.

Sub-section (3) of section 17 of the Bombay Tenancy and Agricultural Lands Act, 1948, provides that the Tribunal shall on payment of the prescribed fees grant a certificate in the prescribed from to the tenant specifying therein the site deemed to have been transferred to him and the name of such tenant. Sub-rule (2) of rule 10 of the Bombay Tenancy and Agricultural Lands Rules, 1949, made under the Act prescribes the fees which the tenant has to pay before a certificate of transfer of a house site is granted to him by the Tribunal. If the intention is that the fees should be paid in the form of stamps it would be necessary to amend the rule. Mere executive orders as proposed by R.D. will not serve the purpose.

J.R.Dhurandhar.
20/7.

Additional Secretary to Government.

U.R. to R.D., No. 10297, dated the 21st July 1950.

SNT/21.6.